

LAW OFFICES
RITER, ROGERS, WATTIER & BROWN, LLP

Professional & Executive Building
319 South Coteau Street
P.O. Box 280
Pierre, South Dakota 57501-0280
www.riterlaw.com

ROBERT C. RITER, Jr.
DARLA POLLMAN ROGERS
JERRY L. WATTIER
JOHN L. BROWN

MARGO D. NORTHRUP, Associate

September 23, 2005

RECEIVED

SEP 23 2005

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

OF COUNSEL
Robert D. Hofe
E. D. Mayer
TELEPHONE
605-224-5825
FAX
605-224-7102

Pamela Bonrud, Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

Re: In the Matter of the Establishment of Local Exchange Carriers Association's
(LECA) Switched Access Revenue Requirements for 2004

Dear Pam:

Enclosed herein please find original and ten copies of the Answer of LECA to
AT&T's Petition to Intervene.

Sincerely yours,

RITER, ROGERS, WATTIER & BROWN, LLP

By: *Margo D Northrup*

Margo D. Northrup

MDN/rar

Enclosures

cc: Karen Cremer
John S. Lovald
Marlene Bennett
Jerry Reisenauer
Clients

RECEIVED

SEP 23 2005

BEFORE THE PUBLIC UTILITIES COMMISSION SOUTH DAKOTA PUBLIC
OF THE STATE OF SOUTH DAKOTA UTILITIES COMMISSION

IN THE MATTER OF THE ESTAB-
LISHMENT OF LECs' 2004 SWITCHED
ACCESS REVENUE REQUIREMENTS

JOINT ANSWER OF LECs
TO AT&T'S
PETITIONS TO INTERVENE

SPLITROCK PROPERTIES	TC04-107
VALLEY TELECOMMUNICATIONS COOPERATIVE	TC04-108
VENTURE COMMUNICATIONS COOPERATIVE	TC04-111
BROOKINGS MUNICIPAL TELEPHONE D/B/A SWIFTEL	TC04-112
STOCKHOLM-STRANDBURG TELEPHONE COMPANY	TC04-114
SANTEL COMMUNICATIONS COOPERATIVE	TC04-116
JAMES VALLEY TELECOMMUNICATIONS	TC04-117
KENNEBEC TELEPHONE COMPANY	TC04-118
GOLDEN WEST TELECOMMUNICATIONS COOPERATIVE	TC04-120
VIVIAN TELEPHONE COMPANY	TC04-121
SIOUX VALLEY TELEPHONE COMPANY	TC04-122
BRIDGEWATER-CANISTOTA TELEPHONE COMPANY	TC04-123
UNION TELEPHONE COMPANY	TC04-124
WEST RIVER TELECOMMUNICATIONS COOPERATIVE (HAZEN)	TC04-125

COME NOW the above-named Local Exchange Companies ("LECs"), by their undersigned attorney, and jointly file this Answer to the Petitions of AT&T Communications of the Midwest, Inc. ("AT&T") to Intervene in the above dockets.

1. LECs admit that AT&T is a certificated communications company, subject to the jurisdiction of the South Dakota Public Utilities Commission ("Commission").
2. Between the dates of June 23, 2004, and July 1, 2004, each of the above LECs filed a cost study with the Commission, in accordance with the Commission's current cost study rules.

3. The intervention deadlines in these dockets range from July 9, 2004, to July 23, 2004, and AT&T failed to intervene prior to expiration of said deadlines.

4. Pursuant to appropriate notice, the Commission held hearings on these dockets for the purpose of assessing initial filing fees on July 15, 2004, and August 26, 2004.

5. AT&T has taken no action in this matter until filing of the current Petitions to Intervene, dated September 19, 2005.

6. ARSD 20:10:01:15.02 sets forth the test for allowance of late-filed intervention petitions:

A petition to intervene which is not timely filed with the Commission may not be granted by the Commission unless denial of the petition is shown to be detrimental to the public interest or to be likely to result in a miscarriage of justice. (Emphasis added.)

7. AT&T has failed to sustain its burden for this Commission to grant late-filed Petitions to Intervene in these dockets.

8. LECs deny that their initial filings have been amended.

9. In Paragraph 3 of its Petition, AT&T makes reference to “the Authority as a whole” (emphasis added). LECs have insufficient information to determine whom AT&T is referring to in Paragraph 3 of its Petition, but specifically deny that their switched access rates are overstated.

10. Because AT&T has not been a party to these proceedings, it would have no way of knowing if anything of substance has occurred in the LECs’ dockets, and even if that were the case, which LECs do not concede, that is not a sufficient reason to allow a late-filed intervention. LECs specifically deny AT&T’s allegation that “nothing

of substance has occurred,” as some of the companies’ individual cost studies have been agreed to by Staff, and only await final Commission approval.

11. LECs would be prejudiced if AT&T’s late-filed Petitions in these dockets are granted. To allow a new party to intervene in dockets more than a year after the intervention deadline has passed would cause further delays in the proceedings, and subject LECs to the further expense of additional discovery requests from the new party. This is exactly the kind of prejudice that enforcement of an intervention deadline precludes.

12. This Commission’s denial of AT&T’s late-filed Petitions in these dockets will prevent LECs from prejudice caused by further delays, and such prejudice should not be permitted.

13. Prejudice to the LECs resulting from allowing AT&T to intervene in these dockets more than one year after the intervention deadline has passed outweighs any detriment to the public interest, and renders an intervention deadline meaningless.

WHEREFORE, the LECs respectfully request this Commission to deny AT&T’s late-filed Petitions to Intervene.

Respectfully submitted this twenty-third day of September, 2005.



Darla Pollman Rogers
Riter, Rogers, Wattier & Brown, LLP
P. O. Box 280
Pierre, South Dakota 57501
Telephone (605) 224-7889
Fax (605) 224-7102
Attorney for the LECs